

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

<b>TERRENCE A. HARVEY,</b>	<b>)</b>	
	<b>Plaintiff,</b>	<b>)</b>
		<b>Case No. 7:15CV00401</b>
<b>v.</b>	<b>)</b>	
	<b>)</b>	
<b>T. LARGE, et al.,</b>	<b>)</b>	<b>By: Norman Moon</b>
	<b>Defendants.</b>	<b>)</b>
		<b>United States District Judge</b>

**ORDER**

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** as follows:

- 1) Defendants' motion for summary judgment (Docket No. 89) is **DENIED in part** as to Harvey's Eighth Amendment excessive force claim, Fourteenth Amendment due process claim, and state law tort claims.
- 2) Defendants' motion for summary judgment (Docket No. 89) is **GRANTED in part** as to Harvey's Eighth Amendment living conditions claim, and any claim against defendants in their official capacity for monetary damages.
- 3) Harvey's motion to compel discovery (Docket No. 96) is **DENIED** as Defendants have produced all of their available video footage, and any factual issue related to the motion to compel is addressed by the court's denial of summary judgment as to Harvey's Eighth Amendment excessive force claim, Fourteenth Amendment due process claim, and state law tort claims.
- 4) The Clerk is **DIRECTED** to set this matter for trial in the Big Stone Gap division.

It is so **ORDERED**.

The Clerk of the Court is directed to send a certified copy of this Order and the accompanying Memorandum Opinion to all counsel of record and the *pro se* Plaintiff.

ENTER this 16th day of March, 2018.

  
NORMAN K. MOON  
SENIOR UNITED STATES DISTRICT JUDGE